

**704 KAR 3:335. State plan for the administration of Chapter 2, of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988.**

RELATES TO: KRS 156.031, 156.035

STATUTORY AUTHORITY: KRS 156.031, 156.035, 156.070

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation implements the State Board for Elementary and Secondary Education's plan approval and federal statute implementation functions under KRS 156.031 and 156.035 relative to federal funds received under Chapter 2 of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, 20 USC 2911 to 2976. Reconsideration and refiling of this administrative regulation is required by KRS 156.031.

Section 1. Pursuant to the authority vested in the State Board for Elementary and Secondary Education, the Kentucky State Plan for Chapter 2 of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, 20 USC 2911 to 2976, shall be prepared and approved by the State Board for Elementary and Secondary Education, in accordance with the appropriate federal guidelines, and submitted to the U.S. Secretary of Education for his approval.

Section 2. Formula and Criteria for Distribution of Chapter 2 Funds of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, 20 USC 2911 to 2976. The following criteria, to be funded by eighty (80) percent of the total state grant, have been developed in consultation with the Governor's Advisory Committee and shall be applied to meet the requirements of Section 1512(a)(1)(3) of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 regarding Chapter 2 funds:

(1) Ninety-one and three-tenths (91.3) percent of the funds distributed to local educational agencies shall be based on the enrollment of pupils in public and participating private, nonprofit schools using data from the end of the first school month, as updated by the local educational agencies, for the school year prior to the one for which funds are being awarded.

(2) A total of eight and seven-tenths (8.7) percent of the funds shall be distributed to the local educational agencies which have the greatest percentage of children whose education imposes a higher than average cost per child as determined by considering those from low income families (five and five-tenths (5.5) percent) as well as those with a high degree of sparsity (three and two-tenths (3.2) percent).

Section 3. Funds Reserved for State Use. Twenty (20) percent of the funds shall be retained by the Kentucky Department of Education. Of the twenty (20) percent, twenty-five (25) percent shall be used for administrative and twenty (20) percent shall be used for effective school programs as described in Section 4 of this administrative regulation, with the remainder of the funds going to the programs referred to in Sections 5, 6, 7, 8, 9, and 10 of this administrative regulation.

Section 4. Effective Schools. This project is designed to develop a uniform effective schools program that enhances school based programs, promotes a climate of quality education for all children in the Commonwealth, improves student performance, and promotes educational wellness for all citizens.

(1) Project activities shall be as follows:

(a) Develop a statewide "effective schools council";

(b) Contract with a nationally recognized "effective schools" leader to assist the Kentucky Department of Education in developing a scope and sequence that departmental personnel shall use in

working with the local schools;

(c) Train teams of effective schools specialists to help local school districts develop individual school site-based management involving the principal, teachers, parents, and community;

(d) Conduct statewide regional conferences to promote the understanding of quality effective schools programs;

(e) Provide seed money for the development of the effective schools program at the local school building site.

(2) Each local school that chooses to participate shall identify program achievement standards to be addressed over a three (3) year period of time:

(a) Effective school leadership which creates consensus on instructional goals and builds a capacity for instructional problem solving;

(b) An emphasis on the acquisition of basic and higher order thinking skills;

(c) A safe and orderly school environment that allows teachers and pupils to focus their energies on academic achievements;

(d) A climate of expectation that virtually all children can learn under appropriate conditions; and

(e) A continuous assessment of students and programs to evaluate the effects on instruction.

(3) The effective schools specialists teams, using the training received from a nationally recognized "effective schools" leader, shall work with the schools on a continuous basis using this model to increase the academic achievement levels of all children and particularly educationally deprived children.

(4) This project shall be evaluated by the degree of improvement on test scores.

Section 5. At Risk and Higher Cost Student Programs. This project is designed to develop statewide programs that meet the educational needs of students at risk of failing or dropping out of school, and students for whom providing an education entails higher than average cost. The goal is to promote a climate of quality education for all at-risk students in the Commonwealth.

(1) The activities for this project shall be as follows:

(a) Develop a statewide "at-risk school council";

(b) Contract with a nationally recognized educational leader to consult with Department of Education personnel, and to develop a scope and sequence that departmental education personnel can use in working with the local schools;

(c) Develop and train a cadre of people to work with local school districts to utilize individual school site-based management involving the principal, teachers, parents, and community to achieve an ongoing at-risk student program;

(d) Conduct statewide regional conferences to increase the level of knowledge of at-risk students and assist in the development of programs to serve them; and

(e) Provide seed money for the development of the at-risk program at the local school building site.

(2) The evaluation of this project shall be based on the degree of decrease of the dropout rate in the state.

Section 6. Personal Excellence and Achievement of Students. This project shall be for programs designed to enhance personal excellence of students. The goals for this project shall be to recognize individual students and groups that have attained academic or cultural excellence and to motivate the students who are not working to their potential.

(1) Activities for this project shall be as follows:

(a) Increased utilization of the Commonwealth Diploma, which is a supplementary higher level diploma for academically gifted students; and

(b) Academic statewide competition to showcase student achievement.

(2) The evaluation of this project shall be based on the number of students affected by the activities for this project.

Section 7. Innovative Projects. This project shall be used to provide discretionary grants for innovative projects that will enhance the educational program and climate of the schools.

(1) Grants shall be based on the following factors:

- (a) Low achieving school districts;
- (b) Lack of local revenue to support supplementary innovative programs; and
- (c) Innovative projects that shall serve as models to be disseminated statewide.

(2) This project shall utilize the National Diffusion Network as well as local district developed models for programs that are greatly needed to enhance the overall climate of the schools. The programs used by the local schools shall be evaluated for their effectiveness in promoting sound education programs and providing a positive climate for the total school.

Section 8. Personal Excellence and Student Achievement Programs for Participating Private, Nonprofit Catholic Schools. This program is designed to measure the effectiveness of the education program in parochial schools in promoting personal excellence and student achievement. Such measurements shall be achieved by using the following:

(1) A testing program that shall permit the schools to correlate student achievement with curriculum and make appropriate curriculum adjustments to enhance student achievement; and

(2) After the test is administered, the results shall be studied and analyzed in order to correlate student ability and student achievement with appropriate learning activities.

Section 9. Innovative Projects for Catholic Schools. (1) This target program, as provided for in Section 7 of this administrative regulation, is designed to provide innovative activities to enhance the educational program using models such as, but not necessarily limited to, the following:

(a) Teacher training in a variety of new innovative models for higher order thinking skills of students. This shall allow the students to apply creative skills to all areas of the curriculum; and

(b) Purchase of new innovative computer software to provide for computer assisted instruction. This activity shall create new interest in the students and promote student achievement.

(2) Each activity shall be evaluated as to the effect it has on promoting student achievement and personnel excellence.

Section 10. Training and Professional Development Programs for Participating Private, Nonprofit Schools Other than Catholic Schools. This project shall be used to provide equitable participation and funding for training and professional development projects that will enhance the knowledge and skills of educational personnel including teachers, librarians, school counselors, other pupil services personnel, administrators, and school board members of the participating private, nonprofit schools.

(1) Project activities shall include, but not necessarily be limited to, the following:

- (a) Statewide conference;
- (b) Statewide regional conferences;
- (c) Professional development grants with the control of funds remaining in the Kentucky Department of Education.

(2) These activities shall be monitored to assure only secular, neutral, and nonideological services are provided.

Section 11. Distribution of Funds. Of the Chapter 2 grant received by the Department of Education, at least eighty (80) percent shall be distributed to local school districts on a formula basis. The department shall distribute these funds according to enrollments (membership of school year prior to

that in which the payment is to be made) in public and participating private, nonprofit schools within each local district's area. Entitlements shall be adjusted to provide higher per pupil allocations to local districts which have the greatest percentages of children whose education requires a higher than average cost. Local districts shall be informed by June of each year of the amount of funds which are to be received for public and participating private, nonprofit school students for programs beginning on July 1. Local districts shall submit an application, and the application shall describe the planned use of funds among targeted assistance projects.

Section 12. Complaint Procedures for Local Districts. The superintendent of a local district may file with the Department of Education a written complaint pertaining to the allocation of Chapter 2 funds to that district. The written statement shall include a detailed statement of facts upon which the complaint is based, and shall be addressed and resolved by the Department of Education.

Section 13. Complaint Procedures for Private, Nonprofit Schools. A person or private, nonprofit school may file with the Department of Education a written complaint alleging that children enrolled in private, nonprofit schools within a certain local district are not receiving benefits on an equitable basis. The written complaint shall include a detailed statement of facts upon which the allegation is based, and shall be addressed and resolved by the Department of Education.

Section 14. Requirements to Supplement and Not Supplant Other Funds. Local districts and the State Department of Education shall use funds received under Chapter 2 only to supplement and increase the level of funds that would be made available from nonfederal sources. In no case shall these funds be used to supplant or take the place of funds from nonfederal sources.

Section 15. Expenditure Report Form. Each year a Chapter 2 Expenditure Report Form shall be submitted to the Department of Education upon expending fifty (50) percent of the fiscal year funds and upon expending 100 percent of the fiscal year funds. Obligations made prior to September 30 shall be liquidated on or before September 30 of the subsequent project year. Unobligated funds shall be expended within the following year, ending September 30. Permission to expend these funds for a purpose which differs from that stated in the originally approved application form shall be obtained in writing from the Department of Education.

Section 16. Annual Supplement to the Three (3) Year Application. Annually the state shall require local districts to supply information concerning the number of students who are being served by Chapter 2 funds, how the funds are being used, and the types of services furnished.

Section 17. Local Monitoring and Evaluation Requirements. (1) In its Chapter 2 application, a local district shall assure that a number of requirements have been met. The district shall keep such documentation as may be necessary to verify the meeting of these requirements. Documentation shall be available to support the following:

- (a) Use of Chapter 2 funds for eligible program purposes;
- (b) Availability of appropriate fiscal and programmatic records for examination;
- (c) Systematic consultation with parents, school personnel, and others concerning the allocation of Chapter 2 funds for the various purposes and concerning the planning and implementation of programs under Chapter 2;
- (d) Consultation with appropriate private, nonprofit school officials concerning the needs of private, nonprofit school children and the provision of services to meet those needs.

(2) The Department of Education shall conduct monitoring visits in order to verify the information which has been submitted to the state. After a monitoring visit, the local school district shall receive a

written report of the findings of the visit. If a local district disagrees with the findings, it may reply in writing to the Department of Education within sixty (60) days of receiving the report. The department shall respond in writing to the district within sixty (60) days of receiving a reply from the district. (Recodified from 701 KAR 1:020, 10-5-84; Am. 11 Ky.R. 1884; eff. 7-9-85; 12 Ky.R. 1866; eff. 7-2-86; 16 Ky.R. 2267; eff. 6-10-90; 17 Ky.R. 2051; eff. 2-7-91.)